

BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:

PATRICIA O'DONNELL,

Complainant,

VS .

No. 03-0246

THE PEOPLES GAS, LIGHT and
COKE COMPANY,

Respondent.

Complaint as to respondent has threatened to disconnect the gas to my apartment due to bill incurred by a former tenant from February 2000 to February 2002 in Chicago, Illinois.

Chicago, Illinois
July 22, 2004

Met, pursuant to adjournment, at 1:30 p.m.

BEFORE :

Mr. John Riley, Administrative Law Judge

APPEARANCES:

MS. PATRICIA O'DONNELL
949 North Damen Avenue
Chicago, IL 60622
(773) 368-7877

appearing via phone pro se;

1 APPEARANCES (cont.):

2 McGUIRE WOODS, by
3 MS. ERIN ZIAJA
4 77 West Wacker Drive
5 Suite 4400
6 Chicago, IL 60601
7 (312) 849-3057
8 for the respondent.
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21 SULLIVAN REPORTING COMPANY, by
22 Jean M. Plomin, CSR, RPR
License No. 084-003728

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I N D E X

<u>Witnesses:</u>	<u>Direct</u>	<u>Cross</u>	<u>Re-direct</u>	<u>Re-cross</u>	<u>By Examiner</u>
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None.

E X H I B I T S

<u>Number</u>	<u>For Identification</u>	<u>In Evidence</u>
Joint 1		222

1 JUDGE RILEY: Pursuant to the direction of the
2 Illinois Commerce Commission, I now call Docket
3 03-0246. This is a complaint by Patricia O'Donnell
4 versus Peoples Gas, Light and Coke Company, complaint
5 as to respondent has threatened to disconnect the gas
6 to my apartment due to bill incurred by a former
7 tenant from February 2000 to February 2002 in
8 Chicago, Illinois.

9 Ms. O'Donnell, you are proceeding
10 without counsel even still; is that correct?

11 MS. O'DONNELL: Yes.

12 JUDGE RILEY: And would you state your address
13 for the record, please.

14 MS. O'DONNELL: 949 North Damen Avenue,
15 Chicago, 60622.

16 JUDGE RILEY: Thank you.

17 And counsel for ComEd (sic), would you
18 enter an appearance, please.

19 MS. ZIAJA: Erin Ziaja with McGuire Woods
20 representing Peoples Gas located at 77 West Wacker
21 Drive, Chicago.

22 JUDGE RILEY: Thank you.

1 This is a continuation of the hearing
2 date that we had on July 13th. And at that time, I
3 had continued this matter because, Ms. O'Donnell, you
4 had not been given any kind of an amount from Peoples
5 Gas as to what you owed at that time on your account;
6 is that correct?

7 MS. O'DONNELL: That is correct.

8 JUDGE RILEY: Okay. You have since received
9 something from Peoples Gas informing you of how much
10 you owe?

11 MS. O'DONNELL: Yeah, 1,900 and something.

12 JUDGE RILEY: All right. Just so the record is
13 clear, you had called me this morning mainly to say
14 that you had received the bill but you hadn't been
15 able to get ahold of Ms. Ziaja; is that correct?

16 MS. O'DONNELL: She had left a voice message
17 for me, and the phone number that she gave me, I
18 tried calling it several times. And every time I
19 tried calling from my cell phone, it said your call
20 cannot be completed at this time. So I tried from a
21 land phone, and it said -- I mean, the line was busy.

22 JUDGE RILEY: Okay. What was your purpose in

1 trying to get ahold of Ms. Ziaja?

2 MS. O'DONNELL: She wanted to make sure, I
3 guess, that I knew what the amount was that they were
4 going to charge me. I didn't get anything in
5 writing. It was a verbal thing.

6 JUDGE RILEY: Okay. But give me the number off
7 that bill that you received there again. It was
8 1,900?

9 MS. O'DONNELL: 900 and something. I don't
10 have the exact figure. It's in my voice mail.

11 MS. ZIAJA: 14.86.

12 JUDGE RILEY: I'm sorry?

13 MS. ZIAJA: \$1,914.86.

14 JUDGE RILEY: 1,914.86.

15 Ms. O'Donnell, you had also indicated
16 to me this morning in that brief conversation that we
17 had that you were very satisfied with that amount?

18 MS. O'DONNELL: Well, I said that, you know,
19 that's fine if that's what they say that the amount
20 is. I mean, I don't want to pay anything because I
21 don't feel I should. But if that's what they say is
22 the amount that is in question, I'll go along with it

1 because I have no idea.

2 JUDGE RILEY: Okay. What has occurred to me as
3 a result of that is whether or not you would be
4 willing to stipulate that that is the amount that's
5 owed and simply settle this matter without submitting
6 a formal order to the Commission.

7 MS. O'DONNELL: I don't want to pay anything
8 because I don't feel that it's my responsibility
9 because I wasn't living there. I was living in
10 California.

11 JUDGE RILEY: Okay. So you're saying that the
12 \$1,914.86 is still in dispute then?

13 MS. O'DONNELL: Yes.

14 JUDGE RILEY: And you don't feel that you owe
15 that sum of money?

16 MS. O'DONNELL: No, I don't.

17 JUDGE RILEY: Okay. That takes care of that.

18 Counsel for Peoples, do you want to
19 weigh in here?

20 MS. ZIAJA: No. I would just -- if the amount
21 is still in dispute, then I would just offer the
22 final bill as an exhibit.

1 JUDGE RILEY: All right. And has that final
2 bill been -- a copy of that been sent to the
3 complainant?

4 MS. ZIAJA: Yes.

5 JUDGE RILEY: Okay. It has.

6 Ms. O'Donnell, you should be getting
7 that very shortly then.

8 MS. O'DONNELL: Okay.

9 JUDGE RILEY: All right. What number were we
10 on as far as your exhibits?

11 MS. ZIAJA: I think we were going to do this as
12 a joint exhibit.

13 JUDGE RILEY: That, I do recall, right.

14 MS. ZIAJA: And so it could be Complainant and
15 Respondent's Joint Exhibit No. 1 since we hadn't
16 submitted any.

17 JUDGE RILEY: Right, right. That's what I had
18 in my notes here that the matter has been left open
19 for the purpose of recalculation.

20 MS. ZIAJA: Right.

21 JUDGE RILEY: So that is the amount that is in
22 dispute from the use of the services at 5729 West

1 Addison. And that was that first floor apartment,
2 wasn't it?

3 MS. ZIAJA: Yes.

4 JUDGE RILEY: All right. Okay. Ms. O'Donnell,
5 do you still agree that this is submitted as a joint
6 exhibit?

7 MS. O'DONNELL: Okay.

8 JUDGE RILEY: I'm a little concerned. Let's go
9 off the record for a second.

10 (Whereupon, a discussion was had
11 off the record.)

12 JUDGE RILEY: Back on the record.

13 Let the record reflect that we have
14 just had a very brief discussion with regard to the
15 sum contained on the bill that is being offered as
16 Joint Exhibit 1, and it is the complainant's
17 contention and People's contention that \$1,914.86 is
18 owed for service to the address in question; however,
19 Ms. O'Donnell is disputing that she is the party
20 responsible for that sum of money; is that a fair
21 assessment?

22 MS. ZIAJA: Yes.

1 MS. O'DONNELL: Yes.

2 JUDGE RILEY: And, Ms. O'Donnell, do you agree
3 with that?

4 MS. O'DONNELL: Yes.

5 JUDGE RILEY: Okay. Then I will admit Joint
6 Exhibit 1 into evidence.

7 (Whereupon, Joint Exhibit No. 1
8 was admitted into evidence.)

9 JUDGE RILEY: Is this my copy?

10 MS. ZIAJA: Yes.

11 JUDGE RILEY: And was this filed on E-docket?

12 MS. ZIAJA: No, it was not.

13 JUDGE RILEY: Okay. All right, then. And,
14 Ms. O'Donnell, as I said, you should be getting a
15 copy of this Joint Exhibit 1 very soon.

16 MS. ZIAJA: Uh-huh.

17 MS. O'DONNELL: Okay.

18 JUDGE RILEY: All right. Then was that all the
19 business that we had to conclude as far as exhibits
20 or the matter of the record?

21 MS. ZIAJA: I believe so.

22 JUDGE RILEY: All right. Ms. O'Donnell, did

1 you have anything further?

2 MS. O'DONNELL: No.

3 JUDGE RILEY: All right. Then the only other
4 thing that I wanted to discuss was the matter of
5 closing briefs.

6 MS. ZIAJA: Okay.

7 JUDGE RILEY: Ms. O'Donnell, are you following
8 what I'm saying? Strike that.

9 Do you understand what I mean by the
10 concept of a closing brief?

11 MS. O'DONNELL: It's basically just a summary
12 of why I don't feel that I owe the money?

13 JUDGE RILEY: Exactly. It's a summary of your
14 case and highlight the strong points and exactly why
15 you feel you do not owe the sum of money that's in
16 question here.

17 MS. O'DONNELL: Okay.

18 JUDGE RILEY: All right. And, Ms. O'Donnell,
19 did you want to submit -- will the parties agree to
20 simultaneous briefs, or did you want to see
21 Ms. O'Donnell's first or --

22 MS. ZIAJA: I would be fine with simultaneous.

1 JUDGE RILEY: Both submit your briefs at the
2 same time?

3 MS. ZIAJA: That's fine.

4 JUDGE RILEY: Okay. How long do the parties
5 think they're going to need to prepare and get those
6 to me? Two weeks? Three weeks? A month?

7 MS. ZIAJA: I'm going to be on vacation next
8 week, so if we could do three weeks because I'm going
9 to be out.

10 JUDGE RILEY: Three weeks. All right.

11 Ms. O'Donnel, is that okay with you?

12 MS. O'DONNELL: Yeah, that's fine.

13 JUDGE RILEY: Okay. We are at July 22. How
14 about Friday the 13th?

15 MS. ZIAJA: Sure.

16 MS. O'DONNELL: Okay.

17 JUDGE RILEY: Friday, August 13th, is the date
18 for submission of the briefs.

19 MS. O'DONNELL: Okay.

20 JUDGE RILEY: All right. That's everything
21 that I can think of.

22 Did the parties -- can the parties

1 advise me of anything we may have overlooked?

2 MS. ZIAJA: I can't think of anything further.

3 MS. O'DONNELL: I can't either.

4 JUDGE RILEY: All right, then. That being the
5 case, I will direct the court reporter to mark this
6 matter heard and taken. And I'll await the
7 submissions of your written conclusions.

8 Thank you very much.

9 HEARD AND TAKEN.

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